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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,365	03/26/2004	Tsugio Okamoto	119261	7633

25944 7590 02/05/2007

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EXAMINER	
MRUK, GEOFFREY S	
ART UNIT	PAPER NUMBER
2853	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/809,365	OKAMOTO, TSUGIO	
	Examiner	Art Unit	
	Geoffrey Mruk	2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 November 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) *10-12* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/15/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murayama et al. (US 5,757,399) in view of Sugimoto et al. (US 6,375,305 B2).

With respect to claim 1, Murayama discloses an inkjet printer (Fig. 4, element 302) comprising:

- a head (Fig. 4, element 305) including an ink ejection surface that ejects ink ;
- a cap (Fig. 4, element 306) capable of moving to come into contact with the ink ejection surface of the head (Column 17, lines 13-22), the cap includes an ink outflow channel where the ink ejected from the head flows out to external due to weight of the ink (Column 18, lines 11-17);
- a primary recovery portion (Fig. 15A, element 2) that allows the ink flowing out from the cap through the ink outflow channel to flow into the primary recovery portion to recover the ink; and
- a secondary recovery portion (Fig. 15A, element 2032).

With respect to claim 2, Murayama discloses the primary recovery (Fig. 15A, element 2) portion moves together with the cap (Fig. 4, element 306); and the primary recovery portion comes into contact (Fig. 15A, element 13) with the secondary recovery

portion (Fig. 15A, element 2032) and allows the secondary recovery portion to absorb the ink from the primary recovery portion when the primary recovery portion reaches a rest position where the primary recovery portion stops moving (Figs. 15A, 15B).

With respect to claim 3, Murayama discloses the primary recovery portion (Fig. 15A, element 2) moves forward and backward between two positions (Figs. 15A, 15B); the rest position is located in each of both ends in a moving direction of the primary recovery portion; and the primary recovery portion comes into contact with the secondary recovery portion when the primary recovery portion reaches the rest position in each of both ends (Column 18, lines 21-29).

With respect to claim 4, Murayama discloses a pressing mechanism (Fig. 15A, element 2030) that displaces a part of the secondary recovery portion interlocking with the motion (Fig. 15A, elements 2031a, 2031b) of the primary recovery portion to press the secondary recovery portion onto the primary recovery portion when the primary recovery portion reaches the rest position (Column 18, lines 36-49).

With respect to claim 5, Murayama discloses the primary recovery portion (Fig. 15A, element 2) includes an ink absorber (Fig. 15A, element 3) that absorbs the ink due to the capillary phenomenon (Column 18, lines 50-59).

With respect to claim 6, Murayama discloses a valve (Fig. 15A, element 13) that closes the ink outflow channel when the cap is in close contact with the head and opens the ink outflow channel when the cap is at a distance from the head (Fig. 15B).

With respect to claim 7, Murayama discloses an ink reservoir (Fig. 5, element 1655; Column 8, lines 64-66) disposed in the middle of the ink outflow channel (Fig 5, element

1658), the ink reservoir that reserves a part of the ink flowing into the ink reservoir from an upstream and allows the rest of the ink to overflow to a downstream, to make the reserved ink block gas flowing back through the ink outflow channel (Column 9, lines 43-56, i.e. recovery operation).

With respect to claim 8, Murayama discloses an ink reservoir (Fig. 5, element 1655; Column 8, lines 64-66) disposed at an outlet of the ink outflow channel (Fig. 5, element 1660), the ink reservoir that reserves a part of the ink flowing into the ink reservoir from an upstream and allows the rest of the ink to overflow to a downstream, to make the reserved ink block gas flowing back through the ink outflow channel (Column 9, lines 43-56, i.e. recovery operation).

With respect to claim 9, Murayama discloses the cap (Fig. 4, element 306) moves between a first position and a second position (Figs. 15A, 15B); when the cap reaches the first position, the cap is in close contact with the head (Fig. 12; Column 16, lines 45-50).

However, with respect to claim 1, Murayama fails to disclose a secondary recovery portion including an ink absorber, which absorbs the ink due to a capillary phenomenon from the primary recovery portion to recover the ink.

Sugimoto discloses a waste ink tank and an ink jet recording apparatus where "The waste ink tank 30 in this embodiment is installed on a base 20 supporting the recording apparatus, and has partitioning walls 21 on four sides for forming a waste ink container body. A waste ink absorber 31 for absorbing and retaining waste ink is accommodated in a space defined by the partitioning walls 21" (Column 4, lines 60-65)

and "The waste ink thus introduced falls down onto the part of cross mark (x) on the base 20 and when the ink is brought into contact with the waste ink absorber 31 in the vicinity of the cross mark, it is absorbed due to a capillary action of the absorber" (Column 13-17).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the absorber disclosed by Sugimoto in the waste ink catch of Murayama. The motivation for doing so would have been "to provide a waste ink tank and an ink jet recording apparatus capable of avoiding the leakage of waste ink from a waste ink storage by the improvement in the waste ink absorbing performance thereof through a simple and inexpensive constitution" (Column 2, lines 29-35).

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey Mruk whose telephone number is 571 272-2810. The examiner can normally be reached on 7am - 330pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GSM
1/27/2007

STEPHEN MEIER
SUPERVISORY PATENT EXAMINER